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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 CARLOS MANUEL LEYVA,

12 Defendant.

3:18-CR-075-RCJ-WGC

Preliminary Order of Forfeiture

13 This Court finds Carlos Manuel Leyva pled guilty to Count One of a One-Count
14 Indictment charging him with felon in possession of a firearm in violation of 18 U.S.C. §
15 922(g)(1). Indictment, ECF No. 3; Change of Plea, ECF No. 28; Plea Agreement, ECF No.
16 29.

17 This Court finds Carlos Manuel Leyva agreed to the forfeiture of the property set
18 forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment,
19 ECF No. 3; Change of Plea, ECF No. 28; Plea Agreement, ECF No. 29.

20 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States
21 of America has shown the requisite nexus between property set forth in the Plea Agreement
22 and the Forfeiture Allegation of the Indictment and the offense to which Carlos Manuel
23 Leyva pled guilty.

24 The following property is any firearm or ammunition involved in or used in any
25 knowing violation of 18 U.S.C. § 922(g)(1), and is subject to forfeiture pursuant to 18 U.S.C.
26 § 924(d)(1) with 28 U.S.C. § 2461(c):

27 1. a Colt, M4 Carbine, .22 caliber rifle bearing Serial Number WJ019753; and

28 2. any and all ammunition

1 (all of which constitutes property).

2 This Court finds that the United States of America may amend this order at any time
3 to add subsequently located property or substitute property to the forfeiture order pursuant
4 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

5 This Court finds the United States of America is now entitled to, and should, reduce
6 the aforementioned property to the possession of the United States of America.

7 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
8 DECREED that the United States of America should seize the aforementioned property.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
10 rights, ownership rights, and all rights, titles, and interests of Carlos Manuel Leyva in the
11 aforementioned property are forfeited and are vested in the United States of America and
12 shall be safely held by the United States of America until further order of the Court.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
14 of America shall publish for at least thirty (30) consecutive days on the official internet
15 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
16 describe the forfeited property, state the time under the applicable statute when a petition
17 contesting the forfeiture must be filed, and state the name and contact information for the
18 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
19 and 21 U.S.C. § 853(n)(2).

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
21 or entity who claims an interest in the aforementioned property must file a petition for a
22 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
23 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
24 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
25 right, title, or interest in the forfeited property and any additional facts supporting the
26 petitioner's petition and the relief sought.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
28 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal

1 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty
2 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
3 after the first day of the publication on the official internet government forfeiture site,
4 www.forfeiture.gov.

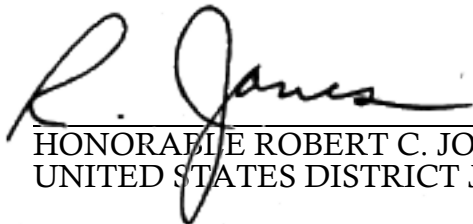
5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
6 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
7 Attorney's Office at the following address at the time of filing:

8 Daniel D. Hollingsworth
9 Assistant United States Attorney
James A. Blum
10 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
11 Las Vegas, Nevada 89101.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
13 described herein need not be published in the event a Declaration of Forfeiture is issued by
14 the appropriate agency following publication of notice of seizure and intent to
15 administratively forfeit the above-described property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
17 copies of this Order to all counsel of record.

18 DATED __ August 21, 2019

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22 HONORABLE ROBERT C. JONES
UNITED STATES DISTRICT JUDGE
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